

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GAIL H. TIFT,

Defendant.

**8:18CR149**

**ORDER**

This matter is before the Court on defendant Gail H. Tift's ("Tift") pro se Motion for Sentence Reduction under 18 U.S.C. § 3582(c)(1)(A) (Filing No. 99). Tift argues a sentence reduction is appropriate because if he contracts COVID-19, his age and health conditions put him at risk of "adverse effects" and "catastrophic irreparable harm."

Section 3582(c)(1)(A) authorizes the Court to "reduce [Tift's] term of imprisonment" for "extraordinary and compelling reasons" thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf. Tift requested relief from his warden on August 10, 2022, and has not yet received a response.

Upon initial review, the Court finds Tift has potentially raised a colorable claim under § 3582(c)(1)(A) and that appointing counsel will aid the Court in determining whether Tift's circumstances warrant any relief. Accordingly,

IT IS ORDERED:

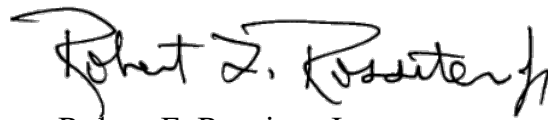
1. The Federal Public Defender for the District of Nebraska is appointed to represent Tift for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. If the Federal Public Defender declines this appointment because of a conflict of interest or based on the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA

Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.

3. If upon review the Federal Public Defender concludes that Tift's motion is frivolous, they may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Tift's request and promptly file under seal a report summarizing the results of that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Tift's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Tift's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Tift's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 31st day of October 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge